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TAGS: PGOV PHUM KDEM KPKO CG ELECTIONS

SUBJECT: DRC HUMAN RIGHTS GROUP ISSUES REPORT ON  
PRE-ELECTION VIOLENCE

REF: A. KINSHASA 1064

1B. KINSHASA 1195

1C. KINSHASA 1208

11. (U) Summary: The National Observatory for Human Rights (ONDH), one of the five "citizen institutions" of the DRC's transitional government, issued August 12 a report detailing its findings concerning campaign-related violence in the month leading up to the country's July 30 presidential and legislative elections. ONDH focused its findings primarily on two incidents -- a clash between security forces and an anti-separatist group on June 30 in the port city of Matadi (ref A), and the violence in Kinshasa July 27 occurring after a campaign rally for Vice President Jean-Pierre Bemba (refs B and C). The human rights group spread blame for the Matadi incident largely among Congolese military and political officials, but stated the Bundu dia Kongo (BDK) group also shared some responsibility for the violence. Regarding the Kinshasa affair, the ONDH report stated that the Movement for the Liberation of Congo (MLC, Bemba's party) should be held responsible for the violence and destruction caused and should pay reparations for the damage and loss of human life. End summary.

12. (U) ONDH, one of the five "citizen institutions" of the DRC's transitional government charged with following the country's human rights situation, issued August 12 a report analyzing the state of public freedoms during the Congo's pre-election campaign period from June 29 to July 28. The report assigned blame for the violence of two particular events -- one in Matadi and one in Kinshasa -- and called for those responsible to be held accountable. ONDH officials appealed for state authorities to take disciplinary actions against those incriminated in the report. The report concluded that if examples are not made of the perpetrators of these acts, then the violence which occurred and the impunity they enjoy severely compromises the electoral process, human rights, and freedom of expression in the DRC.

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MILITARY, GOVERNMENT OFFICIALS BLAMED IN MATADI INCIDENT  
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13. (U) Much of the report focused on the June 30 clash between members of the separatist group Bundu dia Kongo (BDK) -- which advocates for the overthrow of the DRC government and the creation of an independent Kongo state -- and security forces in the port city of Matadi in Bas-Congo province (ref A). The report stated that the object of the BDK rally was clearly political in nature as the marchers were carrying banners with messages urging members of the

transitional government to leave their posts. (Note: The transitional government, according to the DRC's transitional constitution, was to end June 30, 2006. With the adoption of the new constitution in December 2005, the transitional government remains in place until a new president and prime minister are installed following presidential and legislative elections. End note.) ONDH said it was not convinced by the arguments of Congolese military officials that they were acting in self-defense against the protesters, given the disproportionate response by security forces and number of victims killed in the clashes.

¶4. (U) The ONDH report likewise lays partial responsibility for the Matadi events on the commander of the 2nd Military Region in Bas-Congo, General Tshikwej. The report states that General Tshikwej incorrectly presumed, contrary to reports from local police officials, that the BDK protesters would be in possession of arms and include demobilized soldiers in their ranks. ONDH said it would bring charges against Tshikwej regarding his decision to deploy the military in

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this situation, especially as the police were responsible for providing election-related security.

¶5. (U) The ONDH report noted as well the irresponsibility and lack of attention paid to the developing situation by the Governor of Bas-Congo, Cesar Nsasa di Tumba. Observatory officials said he did not take seriously his responsibility to maintain public order or to follow the deployment of the military in Matadi. ONDH said it will file complaints against the governor as well for his omissions. Finally, the report held BDK guilty of violating DRC law regarding authorization for public meetings and rallies. According to DRC statutes, all political groups must receive advance permission from the appropriate provincial authorities to hold demonstrations.

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BDK officials did not receive such authorization. In addition, the report holds BDK responsible for the death of one Congolese soldier and the violence committed against military police officers.

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MLC RESPONSIBLE FOR VIOLENCE IN KINSHASA  
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¶6. (U) The second part of the ONDH report focused on the events before and after a rally of the MLC in Kinshasa July 27. After a speech at a local stadium, Bemba followers committed various acts of vandalism along the road from the Kinshasa airport to the neighborhood of Masina, including the harassment of police forces and the burning and tearing down of campaign banners. Five police stations were sacked by MLC supporters during the course of the day, as were the headquarters of the ONDH itself and the offices of the High Media Authority. The ONDH report noted that the MLC militants were responsible for the deaths of four police officers, one of whom was burned alive outside the stadium where Bemba spoke.

¶7. (U) Referring to elements of the DRC's electoral law holding the organizers of political rallies responsible for maintaining their order, the ONDH report held the MLC fully responsible for the acts committed July 27. The report called for the party to pay reparations for the losses of property and life. The report noted that public authorities were likewise partially to blame for not adequately controlling the rioting and providing sufficient security.

¶8. (U) The MLC officially responded to the ONDH report in an open letter dated August 14 which called for an independent inquiry into the events of July 27. The statement deplored the "political exploitation" of the July 27 events and the broadcast of images recorded during the rioting by state-owned RTNC television station. The MLC likewise

condemned the acts of violence themselves, but claimed certain political leaders were using the incident to defame the party and Bemba. With regard to the deaths of the four police officers, the statement said the MLC was "shocked" to find ONDH had blamed the party for such acts, alleging instead the police in question died as a result of a car accident.

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COMMENT: LITTLE IMPACT  
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¶9. (SBU) Comment: The ONDH report provides little new information on either the events in Matadi or Kinshasa. The involvement of MLC supporters in the July 27 rioting was known from the beginning. The events in Matadi demonstrate the difficulty in coordinating police and military activities, as well as the largely ineffective management and training of the Congolese military. Unfortunately, despite making clear who should be held responsible for such acts, ONDH has no enforcement power, and its report will not have much impact. End comment.

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